IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPEAL NO. 465 OF 2003

The State of Maharashtra ....Appellant.

V/s

Latif Shaikh Lal Shaikh
and others. ....Respondents.

Mr. Y. M. Nakhwa, APP for the State.

None for respondents.

CORAM: V.M. KANADE, J.
DATE : 10th August, 2007

P.C.:

1. The State is challenging the judgment and order passed by the Judicial Magistrate, First Class, Railway Court, Pune whereby the respondents - accused were acquitted of the offence punishable under section 3(a) of R.P. (U.P.) Act.

2. The prosecution case is that the accused were carrying railway property viz. gunny bag of Ilayachi illegally and they were not in a position to prove that the said property was owned by them. The prosecution examined 10 witnesses. However, four witnesses turned hostile and did not support the prosecution case. P.W.1 to P.W. 6 are railway employees. P.W.7 to P.W. 10 did not support the prosecution case. Thus, there is no evidence on record to show that the property

was seized from the accused. The Trial Court, therefore, acquitted the accused by giving them benefit of doubt. There is no infirmity in the order passed by the Trial Court. There is no reason to interfere with the impugned order. Leave is refused. Appeal, therefore, is dismissed.

(V.M. KANADE, J.)